

REMARKS

The present application was filed on December 28, 2001 with claims 1-49. Claims 1-49 remain pending and claims 1, 33-35, 40-41, 46, 48 and 49 are the pending independent claims.

In the outstanding Office Action dated April 20, 2007, the Examiner: (i) objected to claims 33-35 and 40; (ii) rejected claims 1-4, 12, 34, 35 and 49 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,931,908 (hereinafter "Gerba") in view of U.S. Patent Application Publication No. 2004/0249726 (hereinafter "Linehan"); (iii) rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Linehan and U.S. Patent No. 6,240,555 (hereinafter "Shoff"); (iv) rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Linehan, Shoff, and further in view of U.S. Patent Publication No. 2005/0273828 (hereinafter "Barton"); (v) rejected claims 7-10 and 32 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Linehan and U.S. Patent No. 6,944,228 (hereinafter "Dakss"); (vi) rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Linehan and U.S. Patent No. 6,711,552 (hereinafter "Kay"); (vii) rejected claims 13, 15, and 16 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Linehan and Carver; (viii) rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Linehan, Carver, and U.S. Patent Publication No. 2005/0015796 (hereinafter "Bruckner"); (ix) rejected claims 17 and 18 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Linehan and U.S. Patent No. 6,421,726 (hereinafter "Kenner"); (x) rejected claim 19 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Linehan, Kenner and Tomsen; (x) rejected claims 20, 22, 23, 25, 26 and 28-31 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Linehan and U.S. Patent No. 5,878,141 (hereinafter "Daly"); (xi) rejected claim 21 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Linehan, Daly and Tomsen; (xii) rejected claim 24 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Linehan, Daly, and U.S. Patent Publication No. 2005/0235318 (hereinafter "Grauch"); (xiii) rejected claim 27 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Linehan, Daly, and further in view of U.S. Patent Publication No. 2002/0053076 (hereinafter "Landesmann"); (xiv) rejected claims 33 and 40 under 35 U.S.C. §103(a) as being unpatentable over Tomsen in view of Linehan; (xv) rejected claims 36 and 37 under 35 U.S.C. §103(a) as being unpatentable over Gerba in view of Linehan and Tomsen; (xvi) rejected claims 38 and 39 under 35 U.S.C. §103(a) as being unpatentable over Gerba

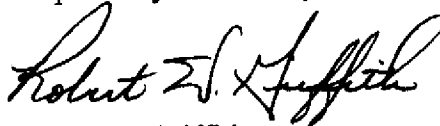
in view of Linehan and U.S. Patent Publication No. 2002/0188943 (hereinafter "Freeman"); (xvii) rejected claims 41 and 42 under 35 U.S.C. §103(a) as being unpatentable over Carver in view of Linehan; (xviii) rejected claims 43-45 under 35 U.S.C. §103(a) as being unpatentable over Carver in view of Linehan and U.S. Patent Publication No. 2002/008344 (hereinafter "Blasko"). Applicants respectfully request reconsideration of the present application in view of the remarks below.

With regard to the objection to claims 33-35 and 40, Applicants assert that "retrofitable" is spelled correctly, thus no correction is required.

With regard to the multiple §103(a) rejections, Applicants assert that Linehan may not preclude patentability under §103. The present invention is subject to an assignment to International Business Machines Corporation as recorded on Reel 012696, Frame 0803 on March 15, 2002. Linehan is a divisional application of Application No. 10/891,241, which is also subject to an assignment to International Business Machines Corporation. Therefore, Applicants assert that because Linehan only qualifies as prior art under §102(e), and because Linehan was subject to an obligation of assignment to the same entity at the time the present invention was made, Linehan may not preclude patentability under §103. Accordingly, Applicants therefore respectfully request withdrawal of the §103(a) rejections of claims 1-49.

In view of the above, Applicants believe that claims 1-49 are in condition for allowance, and respectfully request withdrawal of the §103 rejections.

Respectfully submitted,



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